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July 19, 2016

MUR # 2110

VIA US OVERNITE MAIL

Daniel A. Petalas, Esquire
Acting General Counsel
Federal Election Commission
999 E Street, N. W.
Washington, D. C. 20463

Re: Complaint against Tim Canova

Dear Mr. Petalas:

Enclosed please find an original and 3 copies of a Complaint against Tim Canova.

Sincerely,

Berger Singerman LLP


Mitchell W. Berger

Enclosures

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OFFICE OF GENERAL
COUNSEL

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[COMPLAINANT NAME]

Mitchell W. Berger

[COMPLAINANT ADDRESS]

Ft. Lauderdale, FL 33301

July 19, 2016

Daniel A. Petalas, Esq.
Acting General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: Complaint against Tim Canova

Dear Mr. Petalas:

This letter is a complaint pursuant to 52 U.S.C. § 30109(a)(1) against Tim Canova and his principal campaign committee, Tim Canova for Congress ("Respondents").

Mr. Canova and his campaign have committed patent violations of federal campaign finance law. In television advertisements disparaging his opponent, Mr. Canova has failed to include the required written statements saying that he approved the advertisement. Because these are indisputable violations, the Commission should commence an investigation and seek penalties against Mr. Canova and his campaign.

On the weekend of July 9, 2016, Mr. Canova and his campaign began running two television ads, the clear purpose of which was to attack his opponent, Representative Debbie Wasserman Schultz. See Elena Schneider, *Gardner, Tillis Plot NRSC Co-chairmanship*, POLITICO Morning Score, July 11, 2016, <http://www.politico.com/tipsheets/morning-score/2016/07/gardner-tillis-plot-nrsc-co-chairmanship-215245>. The ads are available online at <http://bit.ly/29wO8o2> and <http://bit.ly/2a0RJGz>. At the time of this writing, these ads continue to run on television stations throughout Florida's 23rd Congressional District.

Mr. Canova has failed to comply with 52 U.S.C. § 30120(d)(1)(B)(ii), a statute which expressly requires his television communications to contain a four-second written statement at the end of the communication, identifying him and his approval of the communication. See 52 U.S.C. § 30120(d)(1)(B)(ii). Given the rapidly approaching primary election, this violation requires immediate attention on the Commission's part. See Canova Campaign America, YouTube (July 10, 2016).

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In addition, the two Canova ads serially violate numerous ethics and campaign finance laws. Both Canova ads fail to meet the requirements for eligibility for the lowest unit charge under the Communications Act of 1934: they lack a clearly identifiable image of Canova during the last four seconds of the ad and a clearly readable statement saying he has approved the communication. See 47 U.S.C. § 315(b)(2). These are matters for which Mr. Canova will have to answer for these legal violations before other government agencies. One Canova ad, "America," violates the Rules of the United States House of Representatives, which provide that coverage of House floor proceedings "may not be used for any partisan political campaign purpose[.]" House R. 5, cl. 2(c)(1). Still, the ad shows video of the House in session. See <http://bit.ly/2a0RJGz> at 0:31 to 0:33.

Mr. Canova's clear violations of the Federal Election Campaign Act of 1971 cannot be explained away as simple mistakes. At issue here are multiple ads that violate multiple rules, enforced by two branches of government and three federal agencies. The ads demonstrate a willingness on the part of Mr. Canova and his campaign to advance their campaign without regard for the law. This is especially disappointing and unfortunate in that Mr. Canova is a law professor.

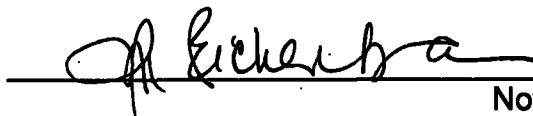
For these reasons, the Commission should immediately find reason to believe that Tim Canova and Tim Canova for Congress violated the law, investigate these violations, and seek civil penalties that correspond with the amounts spent on the advertising.

Sincerely,

Mitchell W. Berger



SUBSCRIBED AND SWORN to before me this 19th day of July, 2016.


Notary Public

My Commission Expires:

